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APPLICATION NO.	FILING DAT	re fi	RST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/807,236	08/27/200	1	Lynn Marie Abell	BB1255	4318
23416	7590 06/	25/2003			
	Y BOVE LOD(KET STREET	EXAMINER			
P O BOX 22	07	FRONDA, CHRISTIAN L			
WILMING	ON, DE 19899			ART UNIT	PAPER NUMBER
				1652	
				DATE MAILED: 06/25/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No. 09/807,236 Applicant(s)

Abell et al.

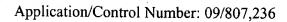
Examiner

Christian L. Fronda

Art Unit 1652



Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Determoned from the provided with the previous of 37 CFR 1.136 (a). In no event, however, may a repty be timely filled after 52 (6) MONTHS from the milling date of the communication. If the provide fire the previous device the previous of 37 CFR 1.136 (a). In no event, however, may a repty be timely filled after 52 (6) MONTHS from the milling date of the communication. If the provide reply provided does is the the thirt (30) days, a reply within the securory minum of theiry (30) days will be considered throw). If the provide reply provided does is the the their throw promise of the provided of the communication, which is secured as the provided of the communication, which will be considered throw the communication. Provided for the provided previous of the provided prev	The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
THE MAILING DATE OF THIS COMMUNICATION. Lettraction of them was be available used the provisions of 2 CFR 1.136 (e). In no event, however, may a righty be timely filled after Six (g) MONTHS from the milling date of the communication. If the period for interval the provisions of 2 CFR 1.136 (e). In no event, however, may a righty be timely filled after Six (g) MONTHS from the milling date of the communication. If the period five physichedication is a six that the thirty (30) days, a righty which the extraction provision of the period of the	Period for Reply						
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If the percent for reply specified shows is less than thirty (30) days, a reply within the statutory information of their (30) days will be considered timely. If NO percent for reply is specified shows, the maximum statutory percent will got yet will apply set (30) MOVITHS from the mailting date of the scrimination. Fall is to reply within the set or exceeded percent for reply will, by statutor, excess the application to become ABARDONED 138 U.S.C. \$ 1.331. Any reply recented by the Official extrem threat increase fact the mailting date of this communication, even if timely field, may reduce any service term eligibation. This action is FINAL. 2b) This action is FINAL. 2b) This action is formation of Claims 1	- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the						
1) Responsive to communication(s) filled on 2a) This action is FINAL. 2b) This action is non-final. 3] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-15	 If the period for reply specified above is less than thirty (30) days, a reply within If NO period for reply is specified above, the maximum statutory period will apply Failure to reply within the set or extended period for reply will, by statute, cause Any reply received by the Office later than three months after the mailing date of 	r and will expire SIX (6) MONTHS from the mailing date of this communication. the application to become ABANDONED (35 U.S.C. § 133).					
2el ☐ This action is FINAL. 2bl ☒ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4l) ☒ Claim(s) 1-15							
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All Claim(s) 1-15	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.						
Is/are withdrawn from consideration. Is/are withdrawn from consideration. Is/are allowed. Is/are rejected. Is/are rejected. Is/are rejected. Is/are rejected. Is/are objected to. Is/are objected to by the Examiner. In the specification is objected to by the Examiner. Application Papers In the drawing(s) filled on							
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Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	6) Claim(s)	is/are rejected.					
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	7) Claim(s)	is/are objected to.					
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filled on	8) 💢 Claims <u>1-15</u>	are subject to restriction and/or election requirement.					
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The proposed drawing correction filed on	10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.						
The proposed drawing correction filed on							
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)							
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)		A) There is a Commence (DTO A12) Beauty No.					
The second secon	3) Information Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Other:					



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DETAILED ACTION

Election/Restriction

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-9, drawn to a polynucleotide, and host cell.

Group II, claim 10, drawn to a composition comprising a polypeptide.

Group III, claims 11-13, drawn to a method of selecting an isolated polynucleotide that affects the level of expression of a polypeptide in a plant cell.

Group V, claim 14, drawn to a method of obtaining a nucleic acid fragment encoding a polypeptide using oligonucleotide primers in an amplification process.

Group VI, claim 15, drawn to a method of obtaining a nucleic acid fragment encoding a polypeptide by probing cDNA or genomic library with a nucleotide sequence.

- 2. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the listed inventions do not make a contribution over the prior art since Fujimori et al. (Accession O82782 and Mol. Gen. Genet. 259:216-223 (August 1998)) teach a polypeptide that is 79.3% identical to SEQ ID NO: 4 (see enclosed alignment).
- 3. This application contains claims directed to several patentably distinct and independent nucleotide sequences. These nucleotide sequences are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The nucleotide sequences are SEQ ID NOs: 1-22

Applicant is required, in reply to this action, to elect one nucleotide sequence if any one invention of Groups I-IV is elected. The nucleotide sequences listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the nucleotide sequences lack the same or corresponding special technical features for the following

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reasons: each of the nucleotide sequences are structurally different and encode different proteins with different functions.

- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian L. Fronda whose telephone number is (703)305-1252. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached at (703)308-3804. The fax phone number for this Group is (703)308-0294. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703)308-0196.

CLF

PONNATHAPUACHUZAMURTHY SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1600